

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

PRESTON TONY WILLIAMS, )  
vs. )  
Petitioner, )  
vs. ) Case No. CIV-04-768-M  
RANDALL WORKMAN, Warden, )  
Respondent. )

**ORDER**

On September 27, 2005, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended: (1) that the petition for writ of habeas corpus be denied, (2) that petitioner's "Motion for Leave to Augment Propositional Argument No. II and Request for Evidentiary Hearings" [docket no. 26] be construed as a request to amend his petition and be granted to the extent the claims raised therein have been considered and that these claims be denied, and (3) that petitioner's request for an evidentiary hearing be denied. Petitioner was advised of his right to object to the Report and Recommendation, and on January 23, 2006, petitioner filed his objection.

The majority of petitioner's objection relates to a new claim of ineffective assistance of counsel. As he admits in his objection, petitioner did not raise a claim of ineffective assistance of counsel in his petition for writ of habeas corpus. At this stage of the proceedings, petitioner may only object to the Report and Recommendation; petitioner may not raise new issues or claims. Accordingly, the Court declines to address petitioner's newly raised ineffective assistance of counsel claim.

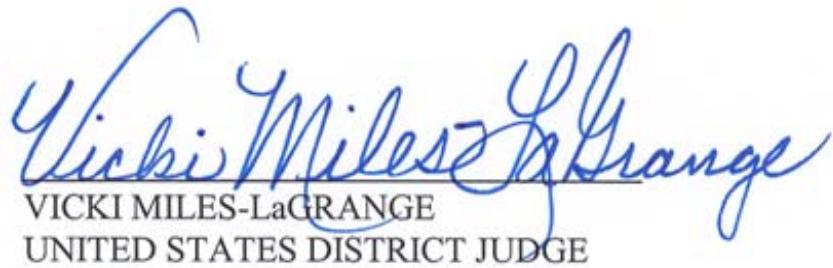
In the remainder of his objection, petitioner makes the same arguments he made in his prior

pleadings. Having carefully reviewed petitioner's objection and the case file in this matter, the Court finds, for the reasons set forth in the Report and Recommendation, that petitioner's petition for writ of habeas corpus should be denied.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on September 27, 2005,
- (2) GRANTS petitioner's "Motion for Leave to Augment Propositional Argument No. II" [docket no. 26], construed as a request to amend his petition,
- (3) DENIES petitioner's request for an evidentiary hearing [docket no. 26],
- (4) DENIES petitioner's Petition for Writ of Habeas Corpus, and
- (5) ORDERS that judgment in favor of respondent issue forthwith.

**IT IS SO ORDERED this 2<sup>nd</sup> day of February, 2006.**



VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE